

February 5, 2009

Julie A. Leppink Assistant Attorney General 900 Bremer Tower 445 Minnesota Street St. Paul, MN 55101-2127	C. Scott Massie, Esq. 1055 East Wayzata Boulevard, Suite 300 Wayzata, MN 55391
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**Re: *In the Matter of Commissioner of Labor & Industry v. Westurn Cedar Supply, Inc.*; OAH Docket No. 7-1901-19904-2**

Dear Counsel:

I have received a Notice of Motion and Motion to Compel Discovery and to Extend Scheduling Order, filed by Ms. Leppink on behalf of the Commissioner of Labor and Industry in this matter.

Ms. Leppink served documents requesting discovery and other disclosures on counsel for Westurn Cedar Supply, Inc. on December 15, 2008, but had not received responses to her Request for Witnesses and Statements (due December 29, 2008) or her First Set of Interrogatories and Requests for Production of Documents (due January 19, 2009) by the dates due, and still has not received them.

The Scheduling Order issued in this matter on December 2, 2008 specified a discovery deadline of January 20, 2009, and a deadline for the filing of Dispositive Motions of January 30, 2009.

Ms. Leppink now has filed a Motion for an Order Compelling Westurn Cedar Supply, Inc. (Respondent) to provide full and complete answers to Complainant's First Set of Interrogatories, Requests for Production of Documents and Requests for Witnesses and Statements, on or before February 9, 2009, and an Order extending the deadline for submission of any Motion for Summary Disposition to February 20, 2009.

Based on the January 30, 2009 filing by counsel for the Complainant, the Complainant's Motion is GRANTED, and IT IS ORDERED:

The Respondent will file an answer to the Complainant's First Set of Interrogatories, Requests for Production of Documents and Request for Witnesses and Statements on or before February 9, 2009; and the filing date for Motions for Summary Disposition in this matter is extended to February 20, 2009.

The other two deadlines specified in the Scheduling Order of December 2, 2008 remained unchanged. That is, the parties have until February 24, 2009 to exchange a list of witnesses, summaries of testimony of each witness, exhibit lists and copies of exhibits (courtesy copies to the Administrative Law Judge). And the hearing dates of Tuesday, March 3 and Wednesday March 4 (if necessary), 2009, remain as scheduled originally. The February 24, 2009 deadline will apply if neither party files any dispositive motions on or before February 20, 2009, and the hearing will proceed in such a case. If a Motion for Summary Disposition is filed by either party, the February 24, 2009 deadline will not apply, and the hearing dates of March 3 and 4, 2009 may be subject to change.

The Administrative Law Judge has been informed by Mr. Massie that he and his client are initiating a concerted effort to settle this matter. If this case is settled, the provisions of this Letter/Order will not apply. If a settlement is not reached, the terms specified above continue in effect. I wish the parties well in their attempts to arrive at a settlement.

Please be reminded that I will be unavailable between February 6 and February 22, 2009.

Thank you for your cooperation.

Very truly yours,

/s/ Richard C. Luis

RICHARD C. LUIS  
Administrative Law Judge

Telephone: (651) 361-7843

RCL:mo

cc: Docket Coordinator